

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GARY CASTERLOW-BEY,

Plaintiff,

v.

AMAZON.COM, GOOGLE.COM,
INC., BARNES AND NOBLES.COM,
EBAY.COM, and TRAFFORD
PUBLISHING,

Defendants.

CASE NO. 3:17-cv-05833-RJB

ORDER ON APPLICATION TO
PROCEED IN FORMA PAUPERIS

This matter comes before the Court on Plaintiff's Application for Leave to Proceed in Forma Pauperis ("IFP"). Dkt. 1. The Court has considered the application and the remainder of the record herein.

On October 13, 2017, Plaintiff, a *pro se* prisoner, filed this case, moved for IFP, and provided a proposed complaint asserting that when the Defendants sold Plaintiff's books they violated the "Racketeer Influenced and Corrupt Organizations Act ("RICO") under 18 U.S.C. § 1962 and 1961 (5) when they "collaborated in concerted conspiracy to deprive [Plaintiff] his

1 legal compensation in royalties for his copyrighted work.” Dkt. 1-1, at 1. Plaintiff seeks several
2 million dollars in damages. *Id.*

3 In addition to this case, Plaintiff filed similar actions against:

4 (1) Trafford Publishing Company, *Casterlow-Bey v. Trafford Publishing Company*,
5 Western District of Washington case number 17-5459 RJB;

6 (2) Google.com and Amazon.com, *Casterlow-Bey v. Google.com, et al.*, Western District
7 of Washington case number 17-5686 RJB,

8 (3) Ebay.com, *Casterlow-Bey v. Ebay.com*, Western District of Washington case number
9 17-5687 RJB, and

10 (4) Barnes and Nobles, *Casterlow-Bey v. Barnes and Nobles*, Western District of
11 Washington case number 17-5834 RJB.

12 **IFP APPLICATION.** The district court may permit indigent litigants to proceed in
13 forma pauperis upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a).
14 However, the court has broad discretion in denying an application to proceed in forma pauperis.
15 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963).

16 Plaintiff states that he is not employed, is totally disabled, and receives Social Security
17 Disability Income of \$738.00/month. Dkt. 1. He reports he has expenses of \$625. *Id.* Plaintiff
18 indicates that he has no assets or dependents. *Id.* He is incarcerated. *Id.* Plaintiff completed the
19 application and has made a sufficient showing of indigence. His IFP application (Dkt. 1) should
20 be granted.

21 **SERVICE OF THE COMPLAINT.** Under Fed. R. Civ. P. 4 (c)(3), where a party has
22 been granted IFP status under § 1915, the court must order that service of the complaint be made
23 “by a United States Marshal, deputy marshal or by a person specially appointed by the court.”
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1 Plaintiff has submitted a summons form for Defendants Amazon.com, Barnes and
2 Nobles.com, and Ebay. Dkt. 1-3. He submitted the addresses for Defendants Google.com and
3 Trafford Publishing Company. Dkt. 1-2.

4 **(1) Service by Clerk**

5 The Clerk is directed to send the following to Defendants by U.S. mail at the addresses
6 provided in the summons filled out by Plaintiff (Dkt. 1-3) and addresses provided (Dkt. 1-2):
7 copies of Plaintiff's Complaint, this Order, the notice of lawsuit, and request for waiver of
8 service of summons, and a waiver of service of summons.

9 **(2) Response Required**

10 The Defendants shall have thirty (30) days within which to return the enclosed waiver of
11 service of summons. A defendant who timely returns the signed waiver shall have sixty (60) days
12 after the date designated on the notice of lawsuit to file and serve an answer to the Complaint or
13 a motion permitted under Fed. R. Civ. P. 12.

14 A defendant who fails to timely return the signed waiver will be personally served with a
15 summons and complaint, and may be required to pay the full costs of such service, pursuant to

16 Rule 4 (d)(2) of the Federal Rules of Civil Procedure. A defendant who has been
17 personally served shall file an answer or motion permitted under Rule 12 within thirty (30) days
18 after service.

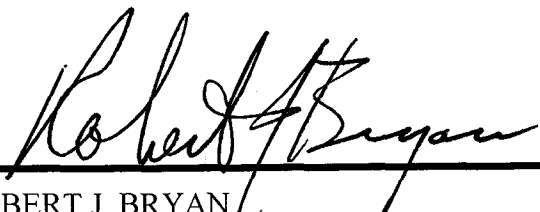
19 **ORDER**

- 20 • Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Dkt. 1) **IS**
21 **GRANTED**; and
22 • The Clerk is directed to send the following to Defendant by U.S. mail at the
23 address provided in the summons filled out by Plaintiff (Dkt. 1-3) and addresses
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1 provided (Dkt. 1-2): copies of Plaintiff's Complaint, this Order, the notice of
2 lawsuit and request for waiver of service of summons, and a waiver of service of
3 summons.

4 The Clerk is directed to send Plaintiff summons forms and uncertified copies of this
5 Order to all counsel of record and to any party appearing *pro se* at said party's last known
6 address.

7 Dated this 30th day of October, 2017.

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10 ROBERT J. BRYAN
11 United States District Judge
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